

Message

From: Mangum, Emily [mangum.emily@epa.gov]
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To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily Clips 7/9/19

Daily Clips, July 9th, 2019

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Trump Environmental Record

[The New York Times: Trump's Misleading Claims About His Environmental Record](#)

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[E&E Daily: Trump looks to quash any vulnerability on green issues](#)

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[The Hill: Trump touts environmental policies, but says nothing of climate change](#)

Auto Emissions

Politico

Governors urge Trump to back off auto emissions rollback

<https://subscriber.politicopro.com/article/2019/07/governors-urge-trump-to-back-off-auto-emissions-rollback-3539467>

BY ALEX GUILLÉN

The governors of 23 states and Puerto Rico today called on the Trump administration to back off its plan to roll back auto emissions standards.

"We must unite to ensure a strong, science-based national standard, in California and across the country, that increases year-over-year, provides certainty for automakers and consumers, reduces greenhouse gases, and protects public health," wrote the governors, all members of the U.S. Climate Alliance.

The governors back a "Nation's Clean Car Promise," that calls for "meaningful" annual reductions in emissions and "regulatory certainty" while preserving auto jobs and making new vehicles affordable.

"We will not compromise on our responsibility to protect the health of our communities, our climate, and the savings consumers stand to gain at the pump," they wrote. "We will continue to pursue additional concrete actions to fulfill this duty and defend against any threats."

Signatories include three Republican governors — Maryland Gov. Larry Hogan, Massachusetts Gov. Charlie Baker and Vermont Gov. Phil Scott — and the governors of four states won by President Donald Trump in 2016: Montana, North Carolina, Pennsylvania and Wisconsin. Together the states represent 52 percent of the nation's population and 57 percent of the economy, the letter says.

In a statement, the Alliance of Automobile Manufacturers said it also supports one national program but opposes "standards that rise so high that only a handful of electric vehicles can achieve them," a reference to the Obama-era standards. The group urged the Trump administration and the states to "meet midway" on a new rule.

EPA and NHTSA argue that freezing the standard, as they proposed last year, is necessary to keep new cars affordable. The agencies are expected to finalize the rule later this summer.

Reuters

Twenty-three U.S. states urge Trump to drop vehicle fuel-efficiency freeze

<https://www.reuters.com/article/us-autos-emissions/twenty-three-u-s-states-urge-trump-to-drop-vehicle-fuel-efficiency-freeze-idUSKCN1U41KF>

David Shepardson

WASHINGTON (Reuters) - Nearly two dozen U.S. state governors, including those of California and New York, urged the Trump administration on Tuesday to abandon a proposal to freeze fuel-efficiency standards at 2020 levels through 2026

The list of 23 states and Puerto Rico includes key 2020 election battlegrounds such as Pennsylvania and Wisconsin

In August 2018, the administration proposed freezing fuel efficiency requirements and stripping California of the right to set its own vehicle-emissions rules.

The governors, representing 52% of the U.S. population and 57% of the economy, said they want “continuous, meaningful annual reductions in greenhouse gas emissions and criteria pollutants while saving consumers money,” and that they “support preserving state authority to protect our residents from vehicle pollution.”

Environmental Protection Agency chief Andrew Wheeler told reporters on Monday the agency “will be coming out later this summer with our (fuel efficiency) standards, which will also further reduce CO2.”

The Alliance of Automobile Manufacturers, a trade group representing General Motors Co, Volkswagen AG (VOWG_p.DE), Toyota Motor Corp and others, said on Tuesday: “It is untenable to face a marketplace with different standards in different states, but it is also untenable to face standards that rise so high that only a handful of electric cars can achieve them.”

The group again said it was “urging the federal government and states to find a middle ground that raises standards year over year while aligning with market demand.”

The final regulation faces a multi-year legal battle that could leave automakers in limbo about future emissions and fuel-efficiency requirements.

The Trump administration plan aims to roll back emission standards set by former President Barack Obama.

The Obama-era rules called for a fleetwide fuel-efficiency average of 46.7 miles per gallon by 2026, compared with 37 mpg under the Trump administration’s preferred option

Last month, 17 major automakers urged a compromise “midway” between the Obama-era standards that require annual decreases of about 5% in emissions and the Trump administration’s proposal.

Reuters reported in April that officials expect the final rule will include a small increase in yearly fuel-efficiency requirements.

Senator Tom Carper, a Democrat, said since the White House had shown no interest in new talks that “automakers should make clear that they will not support this rollback by working directly with California and these 23 states.”

Automakers and government officials say they do not expect EPA and the Transportation Department to finalize the rules before September.

Chemical

Bloomberg Environment

PFAS Sleuths Seek ‘Forever Chemical’ Fingerprints

<https://news.bloombergenvironment.com/environment-and-energy/pfas-sleuths-seek-forever-chemical-fingerprints>

Alex Ebert, Maya Goldman

Scientists push to identify sources of PFAS contamination

Stronger evidence could bolster hundreds of lawsuits, regulatory cleanup

As public concern about “forever chemicals” contamination escalates, scientists are working to better identify and track thousands of compounds that could unlock greater regulatory power and bolster plaintiffs’ ability to reap damages from polluters.

The goal is to determine a scientific “fingerprint”—a tool used in sampling and tracking other chemical pollution—for contamination sources of per- and polyfluoroalkyl substances (PFAS).

“Everybody is going to get into fingerprinting,” scientist and Colorado State University professor Jennifer Field told Bloomberg Environment. “Fingerprinting is the first step in finger-pointing.”

Hundreds of lawsuits, dozens of state regulators, and countless citizens concerned about chemicals in their blood are all grappling with the same question: Who will pay?

Often that question can’t be answered. Out of an estimated 6,000 PFAS chemicals, just over a dozen can now be reliably tested for, Field said.

She and other scientists are building the tools to better track the substances. But unlike gumshoes hunting bank robbers with unique fingerprints, scientists studying PFAS contend with myriad factors making the analysis much more murky.

Searching for Signatures

Researchers at the Columbus, Ohio-based Battelle Memorial Institute are developing a process to find signatures common to various sources of PFAS contamination.

The process works by creating a library of the chemicals, which is then grouped into categories, such as contamination that would indicate a source from a textile plant versus a paper plant.

“When we’re looking at a particular signature, it is so common across all of these sources,” Kavitha Dasu, principal research scientist at Battelle said. “We understand all of these things and we have come up with some of the distinct signatures of each of these applications, which chemicals are used for any particular application.”

Field said she and other researchers across the U.S. are wrapping up research that will provide a tool to identify between 300 and 400 substances, and possibly up to 1,500.

Right now many substances can’t be identified with sufficient detail to differentiate between sources, she said.

“I think it’s the next big thing,” Field said. “We’re on the cusp now.”

Fractionation

But many researchers are more cautious about the state of the science, and say getting to the point where a contamination source could produce a unique fingerprint could still be far off.

And even if regulators learn how to narrow down potential chemical sources, determining who is responsible for those chemicals—and thus cleanup and damages—could still be a struggle.

At a National Ground Water Association conference on PFAS last month, several presenters highlighted difficulties of determining the source of PFAS contamination.

“Fingerprint, to me that’s like a detective show, where they lift it, and it’s the thing that seals the case, they catch the killer,” Scott Bell, senior environmental engineer and vice president for LimnoTech said. “It’s not like that.”

In a presentation, Bell showed how samples of contamination from different sources can have some overlapping attributes, making source attribution challenging.

Another complicating factor is the pervasiveness of the chemicals, found in water and people’s blood across the country.

And because some PFAS chemicals have gone through various iterations over the years and companies have used different formulas, water samples can have a blend of different formulations.

Pulling one sample doesn't tell the whole story, Adam Janzen, an environmental engineer with Barr Engineering Co., said. As they move through groundwater the chemicals go through a process called fractionation, which means parts of a mix of multiple compounds in water will "stick" to soil closer to the contamination source.

A sample pulled close to a source could therefore have a different composition than one taken further away.

Finger Pointing

Should scientists overcome these practical difficulties, fingerprinting and related analytical tools could greatly clear up liability determinations in hundreds of lawsuits, especially cases with multiple sources of PFAS contamination

Michigan has become a bellwether for the limitations of the current science. The state has the most known PFAS contamination sites, and a statewide survey found PFAS in 10 percent of public drinking water sources.

After state regulators found PFAS near an elementary school in Robinson Township, Mich., the state began groundwater tests to trace the chemicals back to potential sources. So far, the studies haven't found a source.

A separate proposed class action in the U.S. District Court for the Western District of Michigan claims that 3M, Georgia-Pacific LLC, and a Georgia-Pacific subsidiary must pay up for PFAS contamination found in the Parchment, Mich., water supply at levels up to 26 times the U.S. EPA's nonbinding health advisory of 70 parts per trillion.

The residents allege that substances leached into the water supply from a landfill associated with a now-defunct paper mill near the city, leading to a switch in municipal water and concerns over long-term health impacts for the area's 3,000 residents.

Although Georgia-Pacific, which is owned by Koch Industries, has been assisting the Michigan Department of Environment, Great Lakes, and Energy (EGLE) with a groundwater investigation, the company contends it isn't legally responsible for the contamination.

Instead, the paper company is pointing the finger at nine other sources of potential liability, including nearby manufacturing companies, an auto wash facility, former owners of the landfill, and EGLE itself, which was formerly called the Michigan Department of Environmental Quality.

'More Information'

Aaron M. Phelps, a partner in Varnum LLP's Grand Rapids office, said regulators countrywide are in the early stages of PFAS investigation, "so I think that anything that helps us get more information faster is better."

Some cases are clear-cut, Phelps said. Fingerprinting won't be necessary, he said, in the 200 cases in which he represents 400 Michiganders suing shoemaker Wolverine World Wide and chemical producer 3M.

While the companies deny liability, the residents claim substances from a Wolverine tannery in Rockford, Mich., seeped into nearby drinking water, causing health concerns. The tannery is on Wolverine's property, and they purchased their PFAS chemicals from 3M, the residents claim.

In murkier situations, like at a landfill where multiple companies may have disposed of chemical waste, better analysis from fingerprinting could come in handy.

"If somebody dumped 100 tons and another person only dumped 1 ton, that would probably be relevant to the courts in terms of determining a percentage of fault in that contamination," Phelps said.

The New York Times

This Chemical Kills. Why Aren't Regulators Banning It?

<https://www.nytimes.com/2019/07/08/opinion/philadelphia-chemical-refinery-blast.html?searchResultPosition=1>

By Daniel Horowitz

Dr. Daniel Horowitz, an organic chemist, served as managing director of the U.S. Chemical Safety Board, a federal agency that investigates chemical disasters, from 2010-2018.

Last month's spectacular explosions at a large Philadelphia oil refinery complex injured five workers, terrorized city residents and drove up gasoline prices. But the impact could have been vastly worse had the explosions triggered a release from the refinery's huge inventory of toxic hydrogen fluoride — up to 420,000 pounds' worth, according to information the company filed with the Environmental Protection Agency in 2017. That disaster, had it occurred amid the chaos on the morning of June 21, would have imperiled hundreds of thousands of people living within a few miles of the plant.

The explosions occurred in the 149-year-old refinery's alkylation unit, where hydrogen fluoride is used to convert butane and other chemicals into heavier hydrocarbons that raise the octane rating of gasoline. Of the nation's approximately 135 oil refineries, only about 48 use hydrogen fluoride. Among refinery workers and safety experts, hydrogen fluoride-based alkylation commands the highest level of fear of any process used to make gasoline, and with good reason.

Hydrogen fluoride, also known as hydrofluoric acid, is a highly corrosive agent that requires specialized equipment and constant vigilance to prevent a release. Human exposure to just 170 parts per million in the air for 10 minutes can result in death or serious injury. Hydrogen fluoride binds to the calcium in human cells, causing severe, disfiguring chemical burns and compromising the heart, lungs and bones. Inhalation is rapidly fatal because of massive internal hemorrhaging and cardiac arrest.

In 2012, the release of a reported eight tons of hydrogen fluoride from a South Korean industrial plant sickened thousands of people in an agricultural area and left a disaster zone in its wake. Crops were destroyed and residents had to be relocated. Five plant workers died, and 18 others were severely injured. According to its 2017 filing with the E.P.A., the Philadelphia refinery stores about 24 times the amount of hydrogen fluoride that was released in South Korea.

In the 1980s, the oil giant Amoco commissioned tests in the Nevada desert to determine what would happen if hydrogen fluoride were suddenly released from a refinery. The results were nightmarish: All the spilled hydrogen fluoride immediately became airborne and formed a dense, ground-hugging aerosol cloud. Within minutes, dangerous concentrations of hydrogen fluoride — twice the lethal threshold — were detected two miles downwind.

Responding to the findings, oil companies invested in more safety systems — water sprays, chemical additives and emergency inventory dump systems — to try to contain a hydrogen fluoride release. None of these methods have been shown to be completely reliable. At the same time, oil companies lobbied to oppose further restrictions, and thus the fundamental danger has remained. Each company files a worst-case accident scenario with E.P.A., including the population at risk, but Congress has restricted this information to a handful of E.P.A. reading rooms.

On Feb. 18, 2015, the Los Angeles area came close to witnessing hydrogen fluoride's effects firsthand when a powerful explosion ripped through a pollution control device at the Exxon-Mobil refinery in Torrance. Investigators from the U.S. Chemical Safety Board found that the explosion had hurled a 40-ton piece of equipment within five feet of striking two large tanks containing hydrogen fluoride. Three schools and hundreds of homes lie within a mile of the tanks. A crisis was averted, but barely. The refinery shutdown that followed the Torrance explosion raised gasoline prices, costing California motorists an estimated \$2.4 billion at the pump.

Where a Deadly Chemical Is in Use

According to the E.P.A., 48 refineries use hydrogen fluoride. Many are in or near urban areas; there have been three H.F.-related explosions since 2015.



By The New York Times | Source: Environmental Protection Agency

Three years later, on April 26, 2018, an explosion devastated the Husky Energy Refinery in Superior, Wis., threatening the integrity of the plant's hydrogen fluoride alkylation unit. The refinery is still rebuilding and won't resume partial operations until at least 2020, at an estimated cost of \$400 million. Investigators found that debris from the explosion pierced an asphalt tank that was located farther from the blast site than the refinery's hydrogen fluoride tank, which could easily have been hit.

Accounts published by Reuters and The Philadelphia Inquirer indicate that the blasts last month in Philadelphia essentially destroyed the refinery's alkylation unit. Under such conditions, it is miraculous that no hydrogen fluoride was released. Given the oil refining industry's inadequate attention to process safety, however, it is only a matter of time before refinery workers and the public are exposed to hydrogen fluoride's dangers.

The Philadelphia plant is closing, but that leaves 47 refineries in the United States still handling hydrogen fluoride. In four years, three major accidents have occurred that could have led to large hydrogen fluoride releases. This exposes a shocking level of disregard for public safety. Oil companies are passing along large accident-related costs to consumers while pleading poverty when asked to replace hydrogen fluoride with processes that use safer chemicals.

The oil refining industry can produce gasoline more safely, without using hydrogen fluoride. But industry associations have objected, saying the conversion is too costly. Refineries in Utah and Louisiana are quietly installing alkylation units that use safer catalysts like advanced sulfuric acid and ionic liquids that will never vaporize in an accident to threaten workers and the public.

Toxic Tonnage

Of the 48 refineries using hydrogen fluoride, 25 report having a maximum inventory on site of 100 tons or more. (Three Philadelphia-area refineries, listed in boldface, hold a total of 465 tons; the smallest amount at a U.S. refinery is 23 tons.) Experiments in the 1980s showed that a release of four tons of hydrogen fluoride into the air can be lethal to anyone in an area at least two miles downwind.

REFINERY	TONS OF HYDROGEN FLUORIDE ON SITE	LOCATION
Marathon Petroleum	445	Garyville, La.
Phillips 66 Alliance Refinery	435	Belle Chasse, La.
Chalmette Refinery	310	Chalmette, La.
Wilmington Refinery	289	Los Angeles
PDV Midwest Refining	275	Lemont, Ill.
ExxonMobil Oil Corporation	267	Channahon, Ill.
Phillips 66 Sweeny Refinery	258	Old Ocean, Tex.
Valero Bill Greehey Refinery	235	Corpus Christi, Tex.
Navajo Refining Company	220	Artesia, N.M.
Phillips 66 Borger Refinery	210	Borger, Tex.
Philadelphia Refining Complex	210	Site of recent explosion. Philadelphia
Valero Port Arthur Refinery	190	Port Arthur, Tex.
Marathon Petroleum	180	Texas City, Tex.
Flint Hills Resources	160	Corpus Christi, Tex.
Valero Texas City Refinery	140	Texas City, Tex.
Chevron Salt Lake Refinery	135	Salt Lake City
Trainer Refinery	130	Trainer, Pa.
HollyFrontier El Dorado Refinery	130	El Dorado, Kan.
Crigo Corpus Christi Refinery	125	Corpus Christi, Tex.
Paulsboro Refinery	125	Paulsboro, N.J.
Phillips 66 Ponca City Refinery	125	Ponca City, Okla.
Torrance Refinery	125	Torrance, Calif.
Robinson Refinery	118	Robinson, Ill.
Pasadena Refinery	115	Pasadena, Tex.
Phillips 66 Ferndale Refinery	100	Ferndale, Wash.

By The New York Times | Source: Environmental Protection Agency

Nonetheless, the industry is working diligently to defeat any regulatory efforts to phase out hydrogen fluoride. The American Chemistry Council, a trade association that represents major hydrogen fluoride producers like Honeywell, sponsors dubious, previously unknown grass-roots organizations like “Californians for a Sustainable Economy” that advocate for continued use of hydrogen fluoride to produce gasoline and argue that any restriction will cause refinery closures, job losses and higher gas prices. Voting on party lines in Southern California last month, a Republican-controlled committee of air pollution regulators narrowly defeated a community-supported effort to phase out hydrogen fluoride from two of the state’s refineries in populated areas near Los Angeles.

At the federal level, industry lobbyists from groups like the American Chemistry Council and the American Petroleum Institute were among those pushing President Trump’s Environmental Protection Agency to begin the process of scrapping Obama-era environmental rules that finally would have required oil refineries to evaluate using safer technologies. If enacted, the E.P.A.’s May 2018 Reconsideration Rule will turn the clock back years on the agency’s process safety regulations, squarely putting short-term corporate profits ahead of public safety. Even modest regulatory improvements — like requiring facilities to have third-party safety audits and to investigate the root causes of their own chemical accidents and near misses — stand to be repealed.

The E.P.A. should be moving in the opposite direction. Recently enacted toxic chemical legislation, as well as the 1990 Clean Air Act Amendments, give the agency ample authority to restrict or prohibit unduly hazardous chemicals in industry. That is particularly important with chemicals like hydrogen fluoride that are widely and unnecessarily used in urban areas and can be replaced with safer substitutes.

Millions of Americans will be safer if the E.P.A. takes positive action. If it fails to do so, Congress must intervene.

Bloomberg Environment

Scientists Seek to 'Fingerprint' PFAS Contamination Sources

<https://news.bloombergenvironment.com/environment-and-energy/scientists-seek-to-fingerprint-pfas-contamination-sources-46>

Chuck McCutcheon

As concern escalates about “forever chemicals” contamination, scientists seek a scientific “fingerprint”—a tool used in sampling and tracking other chemical pollution, Alex Ebert and Maya Goldman write.

“Everybody is going to get into fingerprinting,” Colorado State University professor Jennifer Field says. “Fingerprinting is the first step in finger-pointing.”

Field and other scientists are building the tools to better track the compounds. But unlike gumshoes hunting bank robbers with unique fingerprints, scientists studying per- and polyfluoroalkyl substances (PFAS) contend with myriad factors, making the analysis much more murky.

Little Flexibility Seen in New Carbon Rule

Coal-fired utilities that opposed the Obama-era Clean Power Plan aren’t getting the flexibility that they had hoped for under the new Affordable Clean Energy rule to reduce carbon dioxide emissions. Amina H. Saiyid writes.

Such flexibility “could have allowed us to comply [with clean-air standards] in a more cost-effective manner for our customers,” Duke Energy spokeswoman Shannon Brushe said.

The EPA’s Affordable Clean Energy (ACE) rule, published July 8 in the Federal Register, would allow states to examine all coal-fired units within a given plant to determine what type of approach will make them more efficient and emit less carbon dioxide. But the rule wouldn’t allow coal-fired utilities to average carbon dioxide reductions across individual units or to trade among plants.

Utility May Opt Out of Colorado Oversight

Colorado lawmakers are urging one of the state’s largest utilities to delay considering a plan to voluntarily shift to federal regulation and away from oversight by the four states in which it operates, Tripp Baltz writes.

Tri-State Generation and Transmission Association Inc. of Westminster, Colo., has been considering having the Federal Energy Regulatory Commission regulate its wholesale rates, in lieu of regulation by state agencies.

Tri-State’s board is scheduled to continue deliberating on the move at a meeting today and tomorrow. Tri-State serves about 1.3 million energy consumers in rural areas of Colorado, Nebraska, New Mexico, and Wyoming.

What Else We’re Watching

A toxic blue-green algal bloom has closed Mississippi’s mainland beaches. The state Department of Environmental Quality first closed some beaches June 22, and the last two beach stations near the Alabama line were closed Sunday. The bloom is fueled by freshwater flushing down the Mississippi River and its spillways into the Gulf of Mexico, scientists say. The same freshwater intrusion is being blamed for widespread oyster and shrimp die-offs in the waters off Louisiana and Mississippi.

Groundwater will be on the Supreme Court’s mind this fall, as the justices take up a case that could bring a sea change to the way water pollution is regulated. The court announced it will hear oral arguments Nov. 6 in a case out of Maui, Hawaii, that centers on whether and when the EPA can regulate groundwater pollution.

On the same day that President Donald Trump highlighted his environmental bona fides, the California Assembly unanimously approved a resolution that decries the administration’s attempt to roll back vehicle emission standards.

Mississippi's air quality permit board is expected to decide if construction can begin on what would be the world's largest wood pellet mill. Maryland-based Enviva Partners LLP wants to build the plant in Lucedale, Miss., to grind local timber into pellets that would be shipped to Europe and Japan to burn for energy.

The Senate Energy and Natural Resources Committee's energy panel takes a look at a number of bills, including S. 1602 on improving energy storage technology, S. 1741 on reducing the cost of energy storage, and S. 1183 on increasing access to sustainable energy.

Insights

A GC's First 90 Days—A Five-Step Health Check of the Law Department

New corporate general counsel often want to make a quick impact on the legal department, but Lauren Chung, managing director at HBR Consulting, suggests slowing down and assessing the landscape first. She offers five steps new GCs should take in a "health check" of the department.

Daily Rundown

Top Stories

'Tens of Thousands' of Fish Dying From Jim Beam Bourbon Runoff

Crews on pumping barges in the Kentucky River worked around the clock in efforts to save fish suffocating in water contaminated with runoff from a 45,000-barrel Jim Beam warehouse fire.

Trump Touts Environmental Record After Rolling Back Protections

President Donald Trump boasted that the U.S. is ranked No. 1 for access to clean drinking water as he emphasized American environmental gains, despite seeking to roll back rules meant to preserve them.

Energy/Natural Resources

Five Ways Companies Can Store Renewable Energy for the Grid

Even the best lithium-ion batteries aren't great at storing the large amounts of electricity that a large wind or solar installation is capable of generating. They're expensive and hold, at most, about four hours' worth of that grid-scale juice. Here are five potentially less costly—if somewhat Rube Goldberg-y—methods companies are trying to store power as potential energy in other forms, smoothing out renewable energy's peaks and valleys.

U.S., Europe Getting More Anxious About EV Battery Supply Crunch

Automakers to trading houses from North America to Europe are becoming more concerned about future supply shortages of materials needed for electric vehicle batteries as spending on new production soars, according to the developer of a \$1.5 billion project in Australia.

Environment

Nebraska Power Project Puts Whooping Cranes at Risk, Suit Says

Federal agencies issued an incidental take permit to carry out a \$380 million transmission line project in Nebraska without adequately addressing the threat to whooping cranes, an environmental group says

Rescuers Seek Three Right Whales Tangled in Ropes in Canada

A whale rescue team was set to attempt to disentangle three North Atlantic right whales in Canada's Gulf of St. Lawrence to keep the rising death toll of the endangered species from climbing further.

Today's Events

All Day • Environmental Health • National Environmental Health Association holds its conference in Nashville. Speakers include Robert Kadlec, assistant Health and Human Services secretary for emergency response and preparedness, and Anne Godfrey, chief executive of Chartered Institute of Environmental Health in London.

10 a.m. • Climate Change • Environmental Law and Policy Center and the Northeast-Midwest Institute host congressional briefing on the impacts of climate change on the Great Lakes.

Noon • Clean Air Act • The Environmental Law Institute holds a primer on the basics of the Clean Air Act, which is at the center of efforts to regulate climate emissions.

Noon • FERC • The R Street Institute, a group that advocates for free markets, hosts a discussion on whether Congress can keep up with the pace of the Federal Energy Regulatory Commission's regulation of energy policy.

Around the Web

Connecticut Gov. Ned Lamont (D) announced a working group to study how best to address the threat of fluorinated chemicals. The risks to residents and the environment "command our attention and prompt action," Lamont said.

South Carolina has officially joined North Carolina in objecting to seismic testing off its coast by a subsidiary of Schlumberger Ltd.

Democrat Carolyn Long, who waged an aggressive but unsuccessful challenge to Rep. Jaime Herrera Beutler (R-Wash.) in 2018, is running again—with the environment among her priorities. "We need to overall decrease our reliance on fossil fuels," Long said.

Politico

House gearing up for PFAS in defense bill

<https://www.politico.com/newsletters/morning-energy/2019/07/09/house-gearing-up-for-pfas-in-defense-bill-454729>

By KELSEY TAMBORRINO

— The House Rules Committee will meet tonight to formulate a rule on the defense policy bill that some lawmakers are eyeing as a vehicle for PFAS provisions

— Progressive lawmakers in both chambers will introduce a resolution that says climate change "severely and urgently impacts the economic and social well-being, health and national security" of the United States.

— Tom Steyer is expected to announce a bid for president today — adding his name to a crowded field of Democratic contenders.

DRIVING THE DAY

HOUSE TAKES ITS TURN: The House takes up work this week on what could become its own version of major PFAS legislation as the National Defense Authorization Act heads to the floor.

While Energy and Commerce Committee leaders still hope to craft a deal on a broad, bipartisan PFAS package, lawmakers in the lower chamber could vote on a series of key issues this week that have been teed up as amendments to the defense bill. Recall: that's the legislation that served as the vehicle for the Senate's package on the toxic chemicals.

Watch this one: Among the PFAS-related amendments is one from Michigan Reps. Debbie Dingell and Dan Kildee that would require EPA to designate PFAS as hazardous substances under the Superfund law — a key priority for environmentalists and states weighing how to pay for clean-ups that was absent from the Senate's package. ME hears that amendment is likely to be ruled in order, and that more PFAS amendments could yet be unveiled — despite the

filing deadline having long since passed. Sources say that the suit of PFAS provisions that make it to floor consideration are likely to be voted on as a package, en bloc.

Keep the coffee on: The House Rules Committee meets tonight to decide which of the more than 650 amendments will be allowed floor consideration when the House takes up the bill, H.R. 2500 (116).

Other environmental issues trying to hitch a ride:

Critical minerals: An amendment from House Minority Leader Kevin McCarthy (R-Calif.) would require the federal government to identify critical minerals and ensure a domestic supply of those minerals via geological surveying, permitting reforms, research and development into alternatives and substitutes, and workforce development.

Sea-level rise: Rep. Charlie Crist (D-Fla.) filed an amendment that would require the Defense secretary to account for sea-level rise projections and flood risk when creating guidelines for energy and climate resiliency at military facilities.

Offshore drilling: GOP Florida Rep. Matt Gaetz offered an amendment that would nix the June 30, 2022, expiration date for the drilling moratorium in the military's Gulf Test Range. An amendment from the bipartisan Florida delegation would prohibit oil and gas pre-leasing, leasing and any other relevant activities off the state's coast to maintain military readiness.

Climate change: Rep. Earl Blumenauer filed an amendment codifying an Obama-era executive order requiring all federal agencies to identify and try to remove barriers that discourage investments increasing climate change resiliency. The Oregon Democrat also filed one amendment that would add monitoring and reporting on the impacts of climate change to national security to the Space Corps' list of functions.

What else? The House's National Defense Authorization Act also includes language to protect the U.S. from growing internet-based threats, including a new federal working group with industry officials on cyber incursions, and a new pilot program at DOE's national labs to identify techniques that can isolate critical energy and industrial systems from an attack, like switching to "retro" analog backup systems.

ON THE HILL

HAPPENING TODAY: Presidential contender Sen. Bernie Sanders (I-Vt.), Blumenauer and Rep. Alexandria Ocasio-Cortez (D-N.Y.) will introduce a resolution in their respective chambers today declaring climate change to be a national emergency and demanding a "massive-scale mobilization to halt, reverse, and address its consequences and causes," multiple congressional sources told Pro's Anthony Adragna.

DEMOCRATS ASK GAO FOR JULY 4 PROBE: Three senior Senate Democrats — Tom Udall, Patrick Leahy and Chris Van Hollen — are asking GAO to investigate the costs of President Donald Trump's July Fourth celebration and whether the event complied with prohibitions on using public funds for political activities.

"Congress did not specifically provide funds to cover the costs of the president's expanded Fourth of July events, and we are very concerned by the impacts and the precedent of diverting limited federal resources ... to organize and execute unbudgeted events," they wrote. The senators said Interior Secretary David Bernhardt has not responded to an earlier letter requesting cost estimates for the event.

BILLS, BILLS, BILLS: The Senate Energy and Natural Resources Energy Subcommittee today will hold a legislative hearing to hear testimony on 11 bills, including legislation from Sen. Susan Collins (R-Maine), S. 1602 (116), that would allocate \$300 million over five years to help drive research into energy storage, and a bill, S. 1685 (116), from Sen. John Cornyn (R-Texas) that would require the Energy Department to establish a carbon capture technology research program. The panel will also hear from Bruce Walker, DOE's top electricity official, and Shawn Bennett, deputy assistant Energy secretary for oil and natural gas.

— A bill from ENR members Martha McSally (R-Ariz.) and Angus King (I-Maine), S. 2048 (116), is also on the agenda today. The Joint Long-Term Storage Act aims to improve long-duration energy storage technology through collaboration between the Energy and Defense departments.

2020 WATCH

STEYER STEPS IN? Steyer is expected to announce today that he's entering the 2020 Democratic field for president, The Atlantic reports, injecting another candidate in the mix who will likely focus on tackling climate change.

The billionaire environmentalist told staffers last week that he was planning to announce a 2020 bid, after previously declaring he'd opt out of a run in January. One person familiar with Steyer's plan told POLITICO that Steyer is likely to talk a lot in his campaign about the economy, given his background as a former hedge fund manager.

The NextGen America founder, who has recently focused on a campaign to impeach Trump, has been a key figure in environmental advocacy. "Everything is connected," Steyer tweeted Monday. "Climate change impacts low-income citizens first, and has already displaced thousands and created climate refugees. Climate justice is economic justice is migrant justice."

The Atlantic reports that Steyer was initially excited by some in the Democratic field, including Washington Gov. Jay Inslee and his focus on climate change, but "he's been frustrated that Inslee's campaign hasn't taken off more."

AROUND THE AGENCIES

WHAT TRUMP SAID: Trump extolled his environmental record and used his remarks Monday during a White House event to attack the Obama administration's "relentless war" on U.S. energy. But a closer look from POLITICO's Alex Guillén, Annie Snider and Eric Wolff revealed Trump is taking credit for pollution reductions that have taken place under previous presidents — and undertaking an aggressive agenda of weakening air and water pollution rules.

Among the claims fact-checked by POLITICO: Trump claimed that U.S. "energy-related carbon emissions have declined more than any other country on earth." But while air pollution in the U.S. has plummeted since Congress last overhauled the Clean Air Act in 1990, the downward trend appears to have reversed itself in 2018, when greenhouse gases began rising again after falling to a 25-year low in 2017.

SPOTTED: Trump attended a dinner last night at the Treasury Department with the visiting amir of Qatar and his delegation. Also in attendance: Energy Secretary Rick Perry; Michael Wirth, chairman and CEO of Chevron; Lorenzo Simonelli, CEO of General Electric; Greg Garland, CEO of Phillips 66; and Mark Lashier, president and CEO of Chevron Phillips Chemical.

FOIA FOCUS: Several environmental groups, including the Sierra Club, Union of Concerned Scientists and NRDC, wrote to EPA Administrator Andrew Wheeler expressing concern over EPA's recent final rule that makes a series of changes to its internal FOIA rules, including funneling all FOIA requests into a central office. The groups laid out issues with the rule and called on EPA to delay implementation — set for July 26 — until it conducts a "sufficient period of notice and comment, in accordance with the requirements of the Administrative Procedure Act."

Bloomberg Environment

3M's Nonstick Chemical Footprint May Extend to Alabama Landfills

<https://news.bloombergenvironment.com/environment-and-energy/3ms-nonstick-chemical-footprint-may-extend-to-alabama-landfills>

Chris Mar

Company testing three sites near Decatur, Ala., including one where a school sits

Recently paid \$35M to settle Alabama water utility lawsuit

Concerns about contamination from fluorinated chemicals near 3M Co.'s Alabama factory continue to spread as the company said it is investigating decades-old landfills, including one where a local official says a school now sits.

The company is evaluating three closed landfills in Decatur, Ala., where 3M has operated a factory since 1961. Decatur and Morgan County officials asked 3M to test the three sites for per- and polyfluoroalkyl substances (PFAS) after the company spent months identifying old landfills where its Decatur factory disposed materials.

There are no signs of water contamination specific to the landfills, but other PFAS contamination discovered in the area prompted the city and county to ask 3M to test them, said Ray Long, county commission chairman for Morgan County.

"Our drinking water is good. We know that," he told Bloomberg Environment on July 9. "We just want to ease any concerns that the citizens might have."

Former County-Run Landfills

The landfills—Brookhaven, Deer Springs, and Old Moulton Road/Mud Tavern—are former county-run landfills that have been shut down for decades, Long said. He added they don't sit near any drinking water sources as far as he knows, but said a school now sits on the Brookhaven landfill site.

The landfill testing adds to an ever-growing list of local, state, and federal approaches to addressing PFAS contamination.

PFAS covers a long list of chemical compounds used for nonstick coatings, firefighting foams, and food packaging. Overexposure to some of these compounds, PFOA (perfluorooctanoic acid) and PFOS (perfluorooctanesulfonic acid), can lead to health problems such as low birth weight, testicular and kidney cancer, and liver damage, plus immune system and thyroid effects, according to studies cited by the EPA.

Various bills pending in the U.S. House and Senate would require widespread testing for PFAS compounds or would force the EPA to set enforceable limits on the compounds in drinking water—a process the EPA hasn't begun yet.

3M Used Landfills 'Decades Ago'

3M discontinued production of PFOA and PFOS in the early 2000s, although it continues to produce other PFAS compounds

"While we are confident that we followed all existing laws and regulations when we delivered waste materials to these landfills decades ago, we are committed to working with the city, county and government regulators to take appropriate steps to investigate these landfills and make sure they are maintained in a safe condition," said Robin Higgs, 3M's former Decatur site manager and current Film and Materials Resource Division director, in a July 8 news release. "If there are any PFAS-related issues with the sites, we will find and fix them."

The nearby West Morgan-East Lawrence water utility settled a lawsuit against 3M in April for \$35 million to pay for an upgraded reverse-osmosis treatment system.

That community's water previously tested above the 70 parts per trillion health advisory level set by the U.S. Environmental Protection Agency for PFOA and PFOS, which are two of the nonstick chemical compounds in the PFAS family.

Then in June, local media outlets reported 3M's Decatur factory had been making unpermitted discharges of other PFAS compounds, based on a disclosure letter that 3M sent to the EPA and the Alabama Department of Environmental Management in April.

Also last month, Alabama regulators issued a final rule that will let them require local water utilities to test for unregulated chemicals for which health advisories or toxicity guidelines have been issued, which would cover PFOA and PFOS.

Climate Science

Climatewire

White House won't review climate science before election

<https://www.eenews.net/climatewire/stories/1060713373/search?keyword=EPA>

Scott Waldman, E&E News reporter

The proposed White House panel that would conduct an "adversarial" review of climate science is dead for now, as President Trump grapples with negative perceptions of his environmental record at the outset of his reelection campaign.

The monthslong push from within the National Security Council to review established science on climate change divided White House advisers and generated sharp opposition from researchers across the country. The effort, led by a physicist overseeing technology issues at the NSC, William Happer, stalled indefinitely amid internal disagreements within the White House, according to two sources.

"It's been totally stymied by the forces of darkness within the administration, but also by the looming election campaign," said Myron Ebell, a senior fellow at the conservative Competitive Enterprise Institute who led the EPA transition team under Trump.

Happer has consulted conservative groups that attack climate science in an attempt to recruit members for the proposed panel. He's spoken with policy analysts at the Competitive Enterprise Institute, Heartland Institute and CO2 Coalition, a group Happer founded and that claims that the world would be better off with higher levels of carbon dioxide emissions. The theories promoted by those groups are rejected by NASA, NOAA and the world's top science academies.

Happer initially wanted Trump to issue an executive order to create the "Presidential Committee on Climate Security." He wanted the panel to review assertions within the National Climate Assessment related to risks from climate change on national security. Happer briefed Trump on climate science at least twice (Climatewire, June 24).

The idea to create the panel has caused strife within the White House. Among its critics are deputy chief of staff Chris Liddell; Kevin Hassett, the outgoing chairman of the Council of Economic Advisers; Larry Kudlow, director of the National Economic Council; and Kelvin Droegemeier, the president's science adviser. Those supporting the plan include Trump's son-in-law and senior adviser Jared Kushner and Brooke Rollins, assistant to Trump in the Office of American Innovation.

An official at NSC disputed the characterization that the panel was dead, even while confirming that it had been indefinitely delayed. The plan has suffered several downgrades over the months. It was initially proposed as a rapid response team of climate science critics who would challenge government publications on human-caused warming. Recent discussions have centered on the idea of forcing government climate scientists to participate in a debate with critics of their work who deny that humans are causing widespread changes on Earth (Climatewire, June 6). Most recently, the plan was diminished to creating dueling white papers that would elevate climate denialism to the level of consensus science.

Those in talks to participate as critics of mainstream science include John Christy of the University of Alabama, Huntsville, and Judith Curry, former head of the School of Earth and Atmospheric Sciences at Georgia Tech. A potential leader of the exercise was Paul Robinson, a former Department of Energy official who oversaw talks about nuclear weapons tests with the Soviet Union, but who is not trained in climate science.

Trump supporters who want the administration to be more aggressive in its rejection of climate science were frustrated that the climate review panel had been sidelined. Ebell of the Competitive Enterprise Institute sees it as a sign that the Trump campaign is sensitive to Democratic attacks on climate change.

"The reelect campaign has been completely taken over by the usual cast of Republican establishment consultants who are primarily concerned with making very large amounts of money on the campaign," Ebell said.

E15

Washington Examiner

When will enough ethanol be enough?

<https://www.washingtonexaminer.com/opinion/op-eds/when-will-enough-ethanol-be-enough>

Chet Thompson

Chet Thompson is president and CEO of the American Fuel & Petrochemical Manufacturers, the trade association representing over 300 member companies that encompass virtually all U.S. refining and petrochemical manufacturing capacity.

In recent weeks, President Trump returned to Iowa to court U.S. farmers ahead of the official launch of his reelection campaign and to sign his much-anticipated rulemaking allowing year-round sales of E15, an unlawful action that the U.S. refining industry is challenging in court.

Instead of thanks, the ethanol industry responded to the president's gift with calls for even more. The ethanol industry's latest demand is for the president to eliminate lifelines used to help small refineries that experience disproportionate economic hardship from the Renewable Fuel Standard.

The lifelines I'm referring to are Small Refinery Exemptions. When Congress enacted the Renewable Fuel Standard, it was rightly concerned that the program might threaten the viability of small refineries and the employees and local communities that rely on them. To prevent this, Congress included a provision in the law that requires the EPA to exempt from the Renewable Fuel Standard small refineries that are disproportionately economically impacted. As the courts have said, this relief is not optional. Thus, it is not something that the president can bargain away to appease ethanol interests.

We appreciate Trump's desire to assist farmers, particularly those that have been negatively affected by Chinese tariffs. But the answer isn't to inflict more pain on small refineries and potentially drive them out of business by withholding Small Refinery Exemptions. No one wins under that scenario, not refiners, consumers, or farmers.

No one can credibly dispute that the Renewable Fuel Standard program is not working as originally envisioned, or that compliance costs have far exceeded initial projections. Small Refinery Exemptions are one of the few tools available to the EPA to keep costs in check for small refineries and consumers alike.

The ethanol industry has asserted that Small Refinery Exemptions have resulted in massive market destruction for ethanol. This is simply not true. Government data demonstrates that ethanol blending rates are steady and exports are at all-time highs. Ethanol is a preferred, low-cost octane booster, an attribute that would remain even without a mandate.

The issuance of Small Refinery Exemptions is a symptom of a larger problem: Current Renewable Fuel Standard mandates are unrealistic and do not comport with the realities of the fuel market. Nearly all gasoline today is blended with 10% ethanol, which equates to about 14.4 billion gallons of ethanol. The problem is that gasoline demand is much lower today than the government projected 14 years ago when the Renewable Fuel Standard was enacted, and so there

are few places for the additional ethanol in the 15 billion gallon mandate to go. This is why the full requirement has yet to be met.

Many engines, including those in motorcycles, boats, lawnmowers, and most cars, cannot use ethanol blends greater than 10%. The fact that Renewable Fuel Standard mandates exceed realistic market limits has caused Renewable Fuel Standard compliance costs to skyrocket. And it has jeopardized the economic viability of a number of small refineries. If Renewable Fuel Standard mandates are set to realistic levels, Small Refinery Exemptions will become unnecessary, and there will be greater certainty for all.

Thus, if Trump wants to fulfill the promises he has made to farmers, the ethanol industry, refiners, and consumers, he should instruct the EPA to reset biofuel mandates to align with current market realities. This would provide market certainty and much needed relief, while still allowing the ethanol industry to thrive. Simply refusing to issue Small Refinery Exemptions would be no more than a rhetorical win for the ethanol industry, while causing significant harm to U.S. refiners and consumers.

Washington Examiner

Trump's EPA stands up for consumers and freedom by standing up to the ethanol lobby

<https://www.washingtonexaminer.com/opinion/editorials/trumps-epa-stands-up-for-consumers-and-freedom-by-standing-up-to-the-ethanol-lobby>

Editorial, No Author

President Trump's Environmental Protection Agency took a step toward draining the swamp by curbing the amount of corn ethanol being forced into our economy by the crony capitalist ethanol mandate.

Big Corn is exploding with shock and dismay, as are corn-friendly lawmakers. But the White House shouldn't heed the objections of these subsidized corporate moonshiners. Instead, he should lean on Congress to go further and reduce the ethanol mandate to zero.

Ethanol is a fuel alcohol derived from plants, in this country mostly from corn. Without federal support, there would be a very small market for ethanol, which is less powerful than gasoline, typically more expensive, cannot be shipped by pipeline, and tends to corrode engines.

The federal renewable fuel standard, also known as the RFS and the ethanol mandate, is King Corn's current gravy train. The mandate requires refineries to blend a certain amount of ethanol into their gasoline. The EPA has some leeway on this score, and the agency has used it to protect consumers rather than the ethanol lobby.

The fuel standard requires at least 15 billion gallons of "conventional biofuels," basically corn ethanol, for 2020. The ethanol lobby wanted the Trump administration to require more ethanol than even the law requires. Trump's EPA further infuriated the industry by issuing exemptions for small refineries, which often struggle to get their hands on the amounts of ethanol required to meet the mandates.

The corn lobby angrily denounces these exemptions as "small refinery bailouts," in the words of Geoff Cooper, president of the Renewable Fuels Association. Consider for a moment the perverse sense of entitlement here. An organization representing for-profit businesses, firms engaged in enterprise and supposedly proud of their product, calls it a "bailout" when a potential customer is granted limited freedom to not buy their product.

This is how crony capitalism not only distorts the economy and corrupts our politics (watch the Democratic presidential candidates bow before the altar of ethanol in Iowa these days), but how it also corrupts our businesses.

We understand that some of ethanol's biggest champions are powerful. We understand that Trump's political allies include some ethanol hustlers. And we understand the desire to help farmers, especially at a moment when tariffs are unfairly hurting them.

But if Trump cares about the economy, and about draining the swamp, he will not give into King Corn's demands. In fact, he should go in the other direction.

Trump should call on his friends in Congress to kill the ethanol mandate. Pass and sign a law winding the mandate down from its 15 billion gallons down to zero gallons in 2025. At the same time, scrap the mandate for "advanced" biofuels. If these fuels are so great, then consumers will buy them without a mandate.

That's how capitalism works, even if the swamp wants it to work differently.

Energy

Bloomberg Environment

Utilities See Little Hoped-For Flexibility in New Carbon Rule

<https://news.bloombergenvironment.com/environment-and-energy/utilities-see-little-hoped-for-flexibility-in-new-carbon-rule>

Amena H. Saiyid

Coal-fired utilities that opposed the Obama-era Clean Power Plan aren't getting the flexibility that they had hoped for under the new Affordable Clean Energy rule to reduce carbon dioxide emissions.

Such flexibility "could have allowed us to comply [with clean-air standards] in a more cost-effective manner for our customers," Duke Energy spokeswoman Shannon Brushe said.

The Environmental Protection Agency's Affordable Clean Energy (ACE) rule, published July 8 in the Federal Register, would allow states to examine all coal-fired units within a given plant to determine what type of approach will make them more efficient and emit less carbon dioxide.

"In selecting this approach to setting limits, EPA is limiting the credible control options to those available at the individual units" and not the overall plant, Cheryl A. Gonzalez, counsel with the Indianapolis office of Barnes & Thornburg LLP, told Bloomberg Environment.

The ACE rule (RIN:2060-AT67) is replacing the 2015 Clean Power Plan—which set the first carbon dioxide limits on existing coal-fired power plants—with standards based on a list of technologies that the EPA approves to upgrade plant equipment and improve operations.

'Reduces Some Flexibility'

But the rule wouldn't allow coal-fired utilities to average carbon dioxide reductions across individual units or to trade among plants

The ACE rule "reduces some flexibility in terms of how emissions limitations will be implemented," added Jessica L. Reiss, an associate attorney with the Indianapolis office of Barnes & Thornburg..

For power companies that were already planning to diversify their energy portfolios and reduce the use of their coal-fired electricity generation, "the ACE rule may add cost by requiring upgrades to coal-fired units," said Lynn Hutchinson, general counsel and senior project manager for Raleigh, N.C.-based RTP Environmental Associates Inc.

Utilities like Duke Energy Corp., DTE Energy Co., and American Electric Power Co. remain supportive of the Affordable Clean Energy rule, because it wouldn't require them to alter their long-term plans.

Two environmental groups have already filed lawsuits challenging the rule, with more expected to follow.

Bars Use of Carbon Capture

The regulation not only bars trading and averaging, but also won't allow states to include carbon-capture technologies in how they set standards for the individual coal-fired units. They also wouldn't allow the utilities to co-fire biomass, or woody pellets, to reduce their carbon footprint.

States will be allowed to consider costs and the remaining useful life of coal-fired power plants when setting standards

Trading allows companies the flexibility to make more reductions at facilities where the cost is lower rather than requiring reductions at each generating unit, and most utilities like AEP have successfully used this trading option in combination with installing controls to reduce sulfur dioxide and nitrogen oxide pollution, AEP spokeswoman Melissa McHenry said.

Among Northeastern and Mid-Atlantic states, the Regional Greenhouse Gas Initiative has been most successful at reducing carbon pollution from utilities, a program that states will not be allowed to use as they develop plans for coal-fired utilities in their states.

"As those programs have demonstrated, regulated companies are able to make decisions to create, trade, or buy emissions credits or average across units at a facility that presumably are the most cost-efficient or otherwise more desirable for the company and its portfolio," Gonzalez said.

The EPA drew "a hard line" on disallowing units to trade and average, which is a flexibility that AEP and the rest of the electric utility sought in the final ACE rule, McHenry said.

"This will require states to look at specific measures that can be applied at individual sources and to develop an emission rate limit that is achievable at the source," McHenry said.

Lack of Wiggle Room

It is this lack of wiggle room to reduce carbon dioxide pollution that worries some—but not all—utility representatives, industry lawyers and power sector advocates.

They said the lack of flexibility is the result of the administration's narrow reading of the Clean Air Act Section 111(d), which constrains carbon cuts at coal-fired units to within a utility's fenceline.

The Trump administration's reading of that section means electric utilities would only be able to make pollution cuts within the fencelines or boundaries of affected coal-fired units, and they no longer would be able to switch to lower-emitting fossil fuels like natural gas or renewable energy to meet their carbon limits.

This is in contrast to the Clean Power Plan, which allowed utilities to switch generation, average and trade reductions, and burn biomass with coal.

"The ACE rule has virtually no flexibility in it because of all the flexibility that was in the Clean Power Plan," John Kinsman, senior environment director for the Edison Electric Institute, said at the Air & Waste Management Association meeting. The institute represents investor-owned utilities.

Because the ACE rule prohibits states from considering this kind of "flexibility" in setting an individual unit's emissions target, "it remains to be seen whether the removal of these potential compliance options will be significant to what facilities are ultimately asked to achieve at each of their units," Gonzalez said.

Efficiency Gains

The Trump administration has focused on heat rate improvements—leading to efficiency gains—to reduce carbon dioxide pollution from the power sector.

In reality, other factors like shifting generation due to cheaper natural gas prices have played a greater role in cutting emissions, Megan Herzog, special assistant attorney general for the Massachusetts Attorney General's Environmental Protection Division, said at a June 27 discussion at Resources for the Future, a Washington-based nonpartisan research group.

On the flip side, the Trump rule may give individual companies more flexibility to continue to use their coal-fired generation assets. The Clean Power Plan's budgets capped carbon pollution at levels that could have forced companies to reduce operations or even close some coal-fired units to meet state budgets.

"Now companies can retain these assets in the generational mix," Hutchinson said.

Energywire

CCS tax credits crack open industry divide

<https://www.eenews.net/energywire/stories/1060714247/search?keyword=EPA>

Jenny Mandel, E&E News reporter

Close to 100 oil companies, engineering firms, environmental advocates and other interested parties in the carbon capture and storage industry have weighed in on how the Internal Revenue Service should administer an expanded tax credit for projects that lock away carbon.

Their comments highlight disagreements over how projects should monitor for carbon leaks and how long developers should remain on the hook for environmental performance, among other questions.

Along with environmental groups, major oil companies and their representatives figured prominently among the responders, including Royal Dutch Shell PLC, BP PLC, Occidental Petroleum Corp., Denbury Resources Inc., and the American Petroleum Institute.

July 4 marked the deadline for public comment on the IRS's proposed implementation guidelines for the carbon credit known as 45Q, named for the section of the tax code in which it appears. The existing federal tax credit program was established in 2008, but carbon capture supporters say the original cash incentives were too small and requirements too stringent to spur development.

Last year, Congress more than doubled the amount that companies could collect for projects to permanently store or reuse carbon dioxide, and in May, the IRS solicited public input on implementation guidelines for the funds. The agency received 94 comments, with 54 of those publicly posted as of yesterday.

Oil producers use carbon dioxide — either pulled from natural sources or captured from man-made sources — to force oil from older wells in a process called enhanced oil recovery, and are expected to make up the biggest market for captured carbon in the near term (Energywire, June 19).

Reviewers of the IRS plan, however, are divided on what requirements should govern carbon storage.

Occidental Petroleum, which relies heavily on enhanced oil recovery and is investing in new technologies to capture carbon from industrial facilities and from ambient air, said the IRS should continue to rely on a stringent regulation standard overseen by EPA known as Subpart RR, or if it accepts alternatives, should ensure that they are transparent, include government oversight and enforcement, and offer an opportunity for public input.

That stance aligned with comments submitted by the Natural Resources Defense Council and Greenpeace that recommended sticking with the existing Subpart RR regulation, and ensuring that companies only receive the tax credit once they have met monitoring and verification requirements.

Some stakeholders including Denbury Resources, one of many companies that use carbon dioxide for enhanced oil recovery, urged the IRS to allow looser reporting requirements under which oil companies report their CO₂ use as sufficient to demonstrate permanent carbon storage.

Others, including a large group of business, environmental and labor interests represented by the Carbon Capture Coalition, urged the IRS to adopt a broad definition for the beginning of project construction — a milestone that developers are required under the new law to reach by Jan. 1, 2024, in order to qualify for the credit. The coalition said

IRS should provide "clarity and flexibility" for developers to ensure that complex, first-of-their-type carbon storage projects can be designed, engineered, permitted and financed and reach the start of construction within that deadline.

Other comments addressed how long developers should be liable for repayment of the tax credit if carbon escapes storage, the ways in which they should be able to transfer tax benefits to other entities, and how a required life cycle analysis should be performed on carbon utilization projects that use the CO2 to make fuels, chemicals, cement or other materials.

An IRS spokesman did not respond by press time to questions about when the agency will finalize the 45Q implementation guidelines.

Greenwire

Refiners demand EPA secrecy on hardship waivers

<https://www.eenews.net/greenwire/stories/1060716985/search?keyword=EPA>

Marc Heller, E&E News reporter

A coalition of small petroleum refiners urged EPA yesterday to keep information about biofuel-blending waivers away from the Department of Agriculture.

The request from the Small Refiners Coalition reflects industry fears that Agriculture Secretary Sonny Perdue may influence EPA not to grant small refiners biofuel-blending exemptions in cases of economic hardship.

More than 30 petitions for such exemptions are pending at EPA, a subject of intense lobbying by ethanol advocates and critics

Refiners, through the Perkins Coie LLP law firm in Washington, D.C., questioned whether EPA can legally share refiners' confidential business information (CBI) with USDA, given that the Agriculture Department doesn't have a role in weighing the exemptions.

If that information is shared with USDA, where sympathies lie with corn farmers, the letter said, the department might share it beyond the agency.

"The information is extremely sensitive from a competitive standpoint, illustrating both the financial and commercial vulnerability experienced by then small refinery petitioning for relief. As a result, small refineries have gone to great lengths to protect the confidentiality of their CBI," said LeAnn Johnson Koch, who represents the Small Refiners Coalition, in the letter.

Koch noted that Perdue has publicly said farmers should have access to more information about how exemptions are granted. And she cited Deputy Agriculture Secretary Stephen Censky's background as CEO of the American Soybean Association — a backer of biofuel mandates — for 21 years.

The requests represent the latest volley in the battle over the easing of biofuel-blending requirements under the federal renewable fuel standard. Ethanol groups say EPA has been far too generous in granting exemptions, turning away no petitions from refiners during the Trump administration.

The Clean Air Act allows for exemptions at small refineries in cases of disproportionate economic hardship, a decision EPA makes in consultation with the Department of Energy

But some recipients have been major, profitable petroleum companies, and ethanol groups have complained that the exemptions undermine EPA's own targets for biofuels to be blended into the nation's fuel.

Perdue has joined in the conversation, agreeing with farm groups that the exemptions have hurt demand for ethanol.

The secretary's active role has led petroleum groups to push back, telling the administration the secretary is overstepping his authority by trying to influence EPA's decisions (Greenwire, April 22).

The coalition appeared to blame Perdue, as well, for EPA's delay in deciding on the pending exemptions.

"The USDA's demand for small refinery hardship information is undoubtedly causing or contributing to the delay in issuing those decisions," Koch said

Farm groups say they're grateful for Perdue's advocacy. The National Corn Growers Association, in a statement last Friday criticizing EPA's latest proposed biofuel volumes for 2020, finished with a paragraph about Perdue.

"NCGA thanks Secretary Perdue and his team at USDA for their continued support and work on this issue," the corn group said. "Secretary Perdue has been instrumental in making sure the voice of the American corn farmer is heard."

NIEHS

Bloomberg Environment

Toxicologist Birnbaum to Retire After 40 Years in Government (1)

<https://news.bloombergenvironment.com/environment-and-energy/toxicologist-birnbaum-to-retire-after-40-years-in-government>

Pat Rizzuto

Linda S. Birnbaum will retire as director of the National Institute of Environmental Health Sciences and the National Toxicology Program effective Oct. 3.

"Under Linda's leadership, NIEHS became a world leader in toxicology and environmental health research," Francis S. Collins, director of the National Institutes of Health, said in a July 9 staff memo obtained by Bloomberg Environment

Throughout her 40-year career at NIEHS, NTP, and the Environmental Protection Agency, Birnbaum focused on the public health impacts of chemical exposures

Richard Woychik, currently NIEHS's Deputy Director, will serve as the institute's acting director, Collins said.

Among her many accomplishments was leading a cross-EPA effort addressing the nation's largest Superfund site in Libby, Mont., which was contaminated by asbestos.

She also established a national network of exposure assessment laboratories focused on children's health, and worked with the EPA to fund university-based research centers that focused on children's health and environmental justice issues.

E&E News PM

Scientist who tussled with GOP on toxics to retire

<https://www.eenews.net/eenewspm/2019/07/09/stories/1060717605>

Corbin Hiar, E&E News reporter

Linda Birnbaum, a staunch advocate for public health and frequent target for Republicans, is retiring from the Department of Health and Human Services on Oct. 3, the agency announced this afternoon.

For the past decade, Birnbaum has led the National Institute of Environmental Health Sciences and its partner program, the National Toxicology Program. The first woman and first toxicologist to serve as NIEHS director, she oversaw an

annual budget of around \$77 million for biomedical research on how the environment influences human health and disease.

National Institute of Environmental Health Sciences Director Linda Birnbaum. Photo credit: National Institute of Environmental Health Sciences

Linda Birnbaum. National Institute of Environmental Health Sciences

That research and publications like the biannual "Report on Carcinogens" often raised concerns about the health impact of widely used chemicals, which Birnbaum wasn't shy about promoting.

Last month, for instance, she told a scientific conference on toxic nonstick chemicals now found in drinking water supplies across the country that preliminary research suggested "the safe level of PFAS for humans is as low as 1.0-0.1 [part per trillion]," The Intercept website reported. That's at least 70 times lower than the health advisory level EPA has set for two of the most widespread per- and polyfluoroalkyl substances.

In the past, GOP lawmakers have reacted to statements and findings like that by repeatedly investigating her and the work of NIEHS (Greenwire, March 8, 2016).

Yet for all of the scrutiny that Birnbaum and NIEHS attracted over the years, the 72-year-old appears to be leaving on good terms.

"It has been my privilege to work with Linda," Francis Collins, the director of the National Institutes of Health, said in a statement on her retirement.

"She is an enthusiastic, accomplished, and caring scientist who has provided dedicated scientific leadership to the NIEHS and the NTP since 2009," he added. "She will continue her laboratory research at NIH part-time."

Asked about her retirement in a brief interview with E&E News, Birnbaum said, "I'll just say, 10 years is a good run." In total, she has served as a federal scientist for nearly four decades, including 19 years at EPA.

Collins said he has asked NIEHS Deputy Director Richard Woychik to step in as acting director while he conducts a national search for Birnbaum's replacement.

Patagonia

Greenwire

Patagonia leaders to receive achievement award

<https://www.eenews.net/greenwire/stories/1060716919/search?keyword=EPA>

Jeremy P. Jacobs, E&E News reporter

Outdoor gear maker Patagonia Inc. will receive the Environmental Law Institute's top award this year, the nonpartisan legal group said today.

ELI will honor the Ventura, Calif.-based company's founder, Yvon Chouinard, and CEO Rose Marcario with its "Environmental Achievement Award" at its annual banquet in Washington, D.C., on Oct. 22.

"Patagonia has become a manifestation of the vision of business as a vehicle for not just making excellent products and achieving financial success, but also for doing good in terms of protecting nature, avoiding harm, and advancing sustainability," ELI President and former EPA General Counsel Scott Fulton said in a statement.

The company, which specializes in climbing, surfing and fishing gear, has become a political lightning rod. It has sued the Trump administration over its public lands policies and has become more overtly political, endorsing two Democrats in the 2018 midterm elections (Greenwire, Oct. 19, 2018).

Patagonia also recently hired Avi Garbow, President Obama's top EPA lawyer, to help its efforts (Greenwire, March 8)

Those moves have made it a frequent target for Republicans, including former Interior Secretary Ryan Zinke and House Natural Resources Chairman Rob Bishop (R-Utah) (E&E Daily, Feb. 14).

In announcing the award, ELI emphasized the company's work to create a sustainable supply chain and other initiatives, such as 1% For the Planet, a commitment to donate a percentage of its sales to environmental causes.

"Patagonia is clearly committed to seeking innovative ways to improve sustainability practices and raise the standard for others," said Ben Wilson, chairman of ELI's board, "and the company exemplifies how environmental responsibility, activism and business success go hand-in-hand."

Scientific Integrity

The Hill

Scientific integrity is crumbling under Trump

<https://thehill.com/opinion/energy-environment/452222-scientific-integrity-is-crumbling-under-trump>

BY KEN KIMMELL AND CHRISTIE TODD WHITMAN

Ken Kimmell is president of the Union of Concerned Scientists and has more than 30 years of experience in government, environmental policy and advocacy.

Christine Todd Whitman is co-chair of the National Task Force on Rule of Law and Democracy. She is a former Republican governor of New Jersey and the former administrator of the Environmental Protection Agency.

Every day, we benefit from the work done by scientists in the federal government. Farmers and business owners depend on weather monitoring. Families shopping at the grocery store have federal science to thank for food safety inspection and nutrition information. The laws that protect our air and water are based in science. Local governments and first responders rely on federal agencies to track potential disasters and help their communities recover. And accurate, up-to-date scientific information will be vital as we address the increasing risks of climate change.

This isn't work that stays in the lab. We all rely on federal scientists — and we need to be able to trust that we're getting the best available science.

But there's a problem here: Federal scientists often face political pressure that undermines their research and their ability to share it with the public. Political leaders have buried critical reports, keeping the public in the dark about real threats. They have prevented scientists from publishing their research or attending scientific conferences. They have disciplined scientists for talking about their findings to journalists.

Most insidiously, this political interference can push scientists to self-censor, hedging their evidence or declining to pursue research entirely if they fear becoming a political target. A recent survey of federal scientists by the Union of Concerned Scientists showed that scientists see political pressure as a major problem for their work, with more than 2,000 scientists pointing to political influence as the biggest barrier to science-based policymaking.

These misuses of science can have real consequences. For instance, EPA scientists wrote a report in 2017 about the health risks from exposure to formaldehyde, a common chemical, but the agency has yet to release this report to the public. Strong evidence-based rules have been set to limit how quickly poultry facilities can process chickens, yet last year USDA gave out waivers to allow much faster line speeds, exposing workers to injury and consumers to unsafe chicken. When the government sidelines science, we all lose out.

We need strong, serious checks in place to make sure scientists can do their jobs, and all of us can benefit from their work. The Scientific Integrity Act, introduced this March, would go a long way to advancing this goal

This new legislation would codify the principles of scientific integrity, making sure that scientists can follow their research wherever it leads, and that they can talk honestly about their research to the press, the scientific community and the public. And it would prevent agency leaders from altering, manipulating or suppressing scientific information, and make it illegal to coerce or retaliate against scientists over their work. Scientists — not political appointees — should get the last word on their findings.

It's not just scientists who stand to benefit from this law. We all do. With strong scientific integrity protections in place, federal researchers will be less likely to self-censor or avoid potentially contentious areas of research. When there's scientific evidence that matters to our health and safety, the researchers who understand it best can share it with the public, without political gatekeepers picking and choosing what information we get to see. We can be more confident that the evidence informing policies is reliable and honest, which will lead to stronger, smarter rules.

Every administration faces the temptation to put their thumb on the scale — to shade the facts and put their political goals ahead of truth. Politicization of government research and data is detrimental to democracy.

While many agencies have scientific integrity policies in place, these policies don't have the force of law. That's why the Scientific Integrity Act is such an important opportunity. It would demonstrate our commitment to science and to the public interest by protecting scientific work from political games, not just for one presidential administration, but for all future presidencies.

The Scientific Integrity Act isn't a cure-all. But it's a very important step in the right direction. No administration, Republican or Democratic, should be able to put up barriers between the public and the scientists working on their behalf. That's something everyone in Congress should get behind.

Trump Environmental Record

The New York Times

Trump's Misleading Claims About His Environmental Record

<https://www.nytimes.com/2019/07/08/us/politics/trump-environmental-record-fact-check.html?searchResultPosition=3>

Linda Qiu

President Trump selectively talked up what he said were achievements in ensuring air and water quality, declining carbon emissions and Superfund cleanups.

President Trump made the case Monday that he has protected the nation's air and water in a speech filled with cherry-picked statistics and misleading claims. And he failed to mention that his decision to pull the United States out of the Paris climate accord was undercutting efforts to address a fundamental threat to the planet.

Mr. Trump listed what he cast as accomplishments in addressing air pollution, carbon emissions, hazardous sites and lead exposure — taking credit for trends that preceded his administration or actions mandated by courts. Left unaddressed were his effort to weaken environmental standards by rolling back regulations and his record of putting former industry executives and lobbyists in key policymaking positions.

Here's a fact check of his remarks.

WHAT MR. TRUMP SAID

"One of the main messages of air pollution, particulate matter is six times lower here than the global average."

This is misleading.

It's true that America's air is much cleaner than it was five decades ago. But Mr. Trump is including years of progress that took place under his predecessors.

Of the six "criteria" air pollutants tracked by the Environmental Protection Agency, four actually increased in 2017, Mr. Trump's first year in office: carbon monoxide, nitrogen dioxide and two measures of particulate matter pollution. (It should be noted that data for 2018 is not yet publicly available, while single-year increases for the six metrics have occurred under previous administrations as well.)

Independent analyses have also found that air quality has declined under Mr. Trump's watch. The Associated Press reported that there were 15 percent more days with unhealthy air in the United States both in 2017 and 2018 than on average from 2013 to 2016. The American Lung Association found that "ozone and short-term particle pollution worsened in many cities" from 2015 to 2017 compared with 2014 to 2016.

WHAT MR. TRUMP SAID

"Every single one of the signatories to the Paris climate accord lags behind America in overall emissions reductions.

This is misleading.

The United States cut its annual emissions of carbon dioxide by about 800 million to 900 million metric tons from 2000 to 2016, according to estimates from the Paris-based International Energy Agency and the United States Energy Information Administration. That is indeed that a larger overall emissions reduction than any of the signatories to the Paris climate agreement.

But the United States is also the second-largest emitter in the world and one of the largest per capita emitters. By more meaningful metrics, the United States lags behind many other countries.

In that time period — before Mr. Trump took office — the United States reduced total emissions 15.7 percent, according to the International Energy Agency. That rate was below that of more than 20 signatories to the Paris agreement, including advanced economies like the United Kingdom (28.7 percent), Sweden (26.9 percent) and Italy (22.5 percent)

In emissions per capita, the United States reduced emissions by about 26.3 percent, behind more than a dozen signatories including Denmark (38.7 percent), Britain (36.1 percent) and Sweden (34.6 percent)

It's also worth noting that the United States' emissions increased in 2018, according to the Energy Information Administration and an independent research firm.

WHAT MR. TRUMP SAID

"Last year, the agency completed more Superfund hazardous waste cleanups than any year of the previous administrations and set records at almost every year. ... We have made great strides cleaning up damage near a paper plant in Kalamazoo, Mich., something that was beyond fix-up. They thought it was never going to happen."

This is misleading.

There are more than 1,100 toxic Superfund sites on the government's National Priorities List of the most hazardous sites in the country. It takes years, sometimes decades, to clean up a site before it is "deleted," or removed from the list

In the 2018 fiscal year, the E.P.A. reported deleting 22 sites from the list, the most since 2005. But construction work was completed on all 22 sites before Mr. Trump took office. For example, soil cleanup and contamination monitoring wrapped up at a recycling site in Pennsylvania in 2016, nearly three decades after it was added to the list and two years before its removal

Mr. Trump has also sought to decrease funding for cleaning up the sites in every budget he has proposed.

The paper plant in Kalamazoo has been on the National Priorities List since 1990, and cleanup work on the site began long before Mr. Trump took office

In 2017, the Trump administration did name the site as one of 21 that needed “immediate and intense attention” for a task force created by Scott Pruitt, the former E.P.A. administrator. That designation does not result in additional funding, but pinpoints sites that could benefit from the administrator’s “direct engagement” in expediting cleanup.

WHAT MR. TRUMP SAID

“For the first time in nearly 30 years, we are in the process of strengthening national drinking water standards to protect vulnerable children from lead and copper exposure.”

This is misleading.

Mr. Trump is referring to the E.P.A.’s plan to reduce childhood lead exposure, released in December 2018. The plan includes four goals with few concrete deadlines. The Environmental Defense Fund called it a “a repackaged and updated version” of programs that began during the Obama administration.

The E.P.A. is expected to release an update to a rule on lead and copper in drinking water in July, after delaying the revision several times. The agency also announced stricter standards for lead in paint dust in late June — after a federal court ordered it to do so in 2017. The United States Court of Appeals for the Ninth Circuit gave the E.P.A. 90 days to update the rule and a year to finalize it, rejecting the agency’s argument that it had met its obligations.

Climatewire

'Only one planet.' Trump takes credit for cleaner world

<https://www.eenews.net/climatewire/stories/1060714063/search?keyword=EPA>

Scott Waldman, Jean Chemnick and Adam Aton

President Trump delivered a major speech on the environment yesterday without mentioning climate change.

The 45-minute address in the East Room of the White House featured a president who dedicated much of his first term to unraveling environmental protections established by former President Obama. At his side were three Cabinet secretaries overseeing energy and environment issues; two of them are former lobbyists for the coal and oil industries.

In the audience were lawmakers from energy-rich states and representatives of think tanks that question climate science.

"We have only one America; we have only one planet. That's why every day of my presidency we will fight for a cleaner environment and a better quality of life for every one of our great citizens," Trump said.

The speech came as a growing number of Americans express concern about climate change and, in particular, the Trump administration's unwillingness to address the issue. In a Washington Post-ABC News poll released over the weekend, just 29% of Americans said they approved of Trump's climate policies, the lowest of any issue.

Democrats have used Trump's rejection of climate science as a cudgel in the early stages of the presidential campaign. Most of the 2020 candidates have called for a Democratic primary debate that focuses on that single issue. Former Colorado Gov. John Hickenlooper said the gulf between Democrats and Republicans on climate change "has been growing month by month, year by year.

"He never mentioned the word 'climate change,'" Hickenlooper said in an interview. "You're taking one of the largest, most urgent challenges facing not just this country but the world, and you put your head in the sand, like an ostrich. By not acknowledging it, it doesn't make it go away.

Hours before Trump spoke, a downpour flooded streets outside the White House and sent torrents of rainwater into a nearby subway station, causing a portion of the system to temporarily shut down. A pool of water formed in the White House basement. That type of intense precipitation is the result of rising temperatures, according to scientists.

EPA warned that those effects would happen in the District of Columbia in a warmer climate, before the webpage carrying that report was buried by the Trump administration.

"Almost all of the land in and adjacent to Federal Triangle is low-lying and vulnerable to flooding from severe rainstorms or high water levels in the Potomac River," reads the report, which was archived on the EPA website and made harder to find.

The White House invited critics of climate science to yesterday's event; they were seated in the audience near the president's top advisers. Standing next to Trump was EPA Administrator Andrew Wheeler, whose agency is dismantling regulations to reduce greenhouse gas emissions from power plants and cars. Interior Secretary David Bernhardt was close by. He told Congress recently that he doesn't lose sleep over rising temperatures. The Interior Department has been removing references to climate change from its press releases about agency research, including a recent study that showed billions of dollars of real estate on the California coastline is threatened by a warmer world (Climatewire, July 8).

One of the president's advisers who helped prepare the speech was Brooke Rollins. She was a featured speaker at last year's annual conference of the Heartland Institute, which seeks to undermine climate science. Before taking a job at the White House, she headed the Texas Public Policy Foundation, which receives funding from the energy industry and seeks to roll back climate policies and downplay climate science.

On a call with reporters before the president's speech, Wheeler repeated an inaccurate claim that the United States remains on track to meet its targets under the Paris climate agreement despite the administration's deregulation spree. Trump has promised to remove the United States from the agreement.

Even before Trump took office, numerous analyses showed that the United States would not meet its goal to cut emissions between 26% and 28% compared with 2005 levels by 2025. That would take additional climate action, not less. A 2016 analysis by the Rhodium Group said Obama-era policies would lead to a 22% cut by 2025 — 4 percentage points shy of the Paris goal. Yesterday, Rhodium released a new analysis showing the United States is now on track to cut emissions by between 12% and 19% compared with 2005 levels by 2025, casting doubt on Wheeler's claims that greenhouse gas reductions are continuing under Trump.

Wheeler continued to tout EPA data showing that carbon dioxide emissions fell by 2.7% between 2016 and 2017. While EPA has not released data yet for 2018, the U.S. Energy Information Administration published an analysis in January showing that a yearslong decline in emissions in the United States ended last year. Instead, it rose by 2.8%.

EIA's assessment does predict that CO₂ will drop again in 2019 and 2020, as EPA pointed out ahead of the speech yesterday.

The 2018 uptick reflects a slower rate of retirements for coal-fired power plants and increased use of natural gas at the expense of the nuclear power fleet.

"In the short term and to date, natural gas has been a major driver reducing emissions in the power sector, as it forces coal out of the market," said Hannah Pitt, a research analyst with Rhodium. "Over time, the natural gas boom that we're having changes from being kind of a climate friend to a climate foe, and actually begins to become a liability for reductions in the medium and long term."

Wheeler also touted decades of U.S. progress in controlling six hazardous air pollutants, like sulfur dioxide and particulate pollution, that have been the focus of Clean Air Act regulation for four decades. Concentrations of these pollutants have fallen sharply since the landmark environmental law and its amendments were enacted. EPA's own data shows a 90% drop in national average ozone emissions from 1980 through 2017.

Wheeler brushed off a reporter's question about whether he was claiming credit for environmental work done under the previous seven presidents.

"The air quality continues to get cleaner," Wheeler said. "Since 1970, criteria air pollution has fallen 74%, and it has fallen under President Trump's watch. All six criteria air pollutants have decreased under President Trump's administration."

"Today, we have the cleanest air on record," Wheeler said later, in his White House remarks. "We're making tremendous environmental progress under President Trump, and the public needs to know that."

While average concentrations of all six pollutants decreased in 2017, and Trump was president for most of that year, a summary of data that EPA is set to release this month shows that particulate pollutants climbed in 2018 compared with the previous year, due to factors including an active wildfire season fueled by climate change.

A report by the American Lung Association released in April shows that 7.2 million more Americans lived in areas with unhealthy levels of atmospheric ozone or particle pollution in the years between 2015 and 2017 than prior to that. The number of days with unhealthy levels of ozone and fine particles is also on the rise.

Janice Nolen, an assistant vice president for policy for the American Lung Association, said she expects that trend to continue when 2018 data is released, because heat and wildfires are contributing to pollution.

Wheeler in his White House remarks said: "America is and will remain the gold standard for environmental protection."

On the earlier call, he said that U.S. air quality is better than "other countries around the world, and I think the data supports that.

It doesn't.

To be sure, the United States is among the countries with the healthiest levels of ambient particulate pollution, according to a report by the Health Effects Institute and the Institute for Health Metrics and Evaluation's Global Burden of Disease project on the "State of Global Air." But it's not at the top — countries like Canada and Norway have less pollution, which contributes to everything from effects on respiratory and cardiovascular health to neurological issues.

And when it comes to ambient ozone pollution, the United States doesn't even beat the global average. The U.S. average seasonal ozone when controlled for population is 59 parts per billion. The global average is a healthier 57 ppb.

The "State of Global Air" report uses nationwide averages and doesn't seek to show conditions in individual communities that might be most affected.

Trump also revived a wildfire talking point that befuddled experts last year

"I went to the fires in California and said it's also management. It's a lot of things happening, but it's management. You can't have dirty floors; you can't have 20 years of leaves and fallen trees," he said yesterday.

That's a throwback to November, when Trump, touring destruction from the deadliest wildfire in U.S. history, said Finland fought wildfires by raking the forest floors. Trump attributed that to Finland's prime minister, who disputed that he'd ever said that, and many Finns mocked the suggestion as ridiculous.

Trump is correct that forests, especially in the West, catch fire more easily and burn more intensely because they're thick with dead vegetation. But experts say he's wrong about the cause, and many say his administration is pursuing the wrong solution

Climate change has exacerbated droughts and insect infestations that turn trees into fuel. And decades of fire suppression has built up that fuel load

Trump's response to wildfires has been to relax environmental reviews so timber companies can cut more trees. So-called active forest management has won support from some conservation groups and Western Democrats, including California Gov. Gavin Newsom, whom Trump mentioned yesterday.

But experts call that counterproductive, because companies often cut the biggest, most fire-resistant trees while leaving behind combustible piles of low-value tinder (Climatewire, June 17).

The alternative is lighting prescribed fires and allowing wildfires to burn if they're far from communities. But Trump invited to the lectern an Oregon county commissioner who called those methods dangerous. And the president praised an unnamed nation — in the same language he had used to praise Finland — for avoiding fires

Most U.S. forests rely on fire to restore their ecosystems over regular cycles, even as climate change makes wildfires more erratic and as humans move deeper into wilderness. Trump incorrectly said the opposite.

"You don't have to have any forest fires. It's interesting, I spoke to certain countries and they said, 'Sir, we're a forest nation.' ... They live in forests, and they don't have problems. One was telling me that his trees are much more susceptible to fire than what they have in California, but they don't have fires because they manage, they clean, they do what they have to do. There's not so much to burn, and we're going to start doing that," Trump said.

Rising temperatures and changing rain patterns have made wildfires more common in unusual places, even in the Scandinavian Arctic (Climatewire, July 20, 2018).

E&E Daily

Trump looks to quash any vulnerability on green issues

<https://www.eenews.net/eedaily/stories/1060714431/search?keyword=EPA>

Timothy Cama, E&E News reporter

President Trump took an election-year swing yesterday at defending his environmental record, fighting back against criticism that his policy rollbacks are harmful.

His remarks came as polls show the president may be vulnerable on green issues, and Democratic presidential hopefuls were quick to respond

Just weeks after formally launching his 2020 campaign for reelection, Trump used his bully pulpit to tick off a list of accomplishments from his 2½ years in office, including a North American trade deal that mentions marine litter and air quality improvements decades in the making.

"From day one, my administration has made it a top priority to make sure America has among the very cleanest air and cleanest water on the planet," Trump told a largely supportive crowd of administration officials, leaders from conservative groups and others in the White House's stately East Room.

"We want the cleanest air. We want crystal-clean water. And that's what we're doing, and that's what we're working on so hard," he continued.

Trump frequently contrasted his policies and results to those of President Obama and other Democrats, whom he accused of working to "kill millions of jobs."

"The previous administration waged a relentless war on American energy. We can't do that," he said.

He also took aim at the Green New Deal — and, by extension, most of the 24 Democrats running in the presidential primary with the hope of taking him on next year. Many have endorsed the policy, while others have sung its praises and claimed to be inspired by it.

"It'll crush the dreams of the poorest Americans and disproportionately harm minority communities," Trump said of the deal, citing the conservative American Action Forum's claim that it would cost \$93 trillion.

"I will not stand for it. We will defend the environment," he said. "But we will also defend American sovereignty, American prosperity, and we will defend American jobs."

The Trump campaign emphasized the reelection takeaway

"President Trump's policies are proof that you can have clean air and water and a vibrant economy at the same time. The Democrats' \$93 trillion Green New Deal would destroy jobs, cripple the economy and limit freedoms," said spokeswoman Sarah Matthews. "There will be a clear choice next November."

Trump vulnerable on green issues?

The speech came amid increasing signs that the environment and climate change are key weaknesses for Trump going into 2020.

He has worked to roll back dozens of environmental policies at EPA, the Interior Department, the Council on Environmental Quality and other agencies, including greenhouse gas emissions rules for power plants, methane emissions standards for oil and natural gas drillers, and protections for imperiled plant and animal species.

A Washington Post-ABC News poll released the day before Trump's speech found that 62% of Americans disapprove of Trump's handling of climate change, the highest disapproval rating of any area that pollsters asked about, including gun violence, health care and immigration.

The disapproval was 5 points higher than when pollsters asked a similar question a year prior. Trump, for his part, thinks his environmental record is something to boast about.

"We have the cleanest water we have ever had," Trump said last month at a Group of 20 meeting in Japan. "We have the cleanest air we've ever had."

The Rhodium Group estimates the United States' greenhouse gas emissions grew 2.7% last year over the previous year. EPA, however, put out graphs yesterday showing that decadeslong reductions in some key criteria air pollutants are leveling off or reversing, with some of the changes due to wildfires.

"This suggests that his aim for the election cycle is to argue that this is not a problem, everything is fine — and then go on the attack against whatever Democrats might be proposing to attack the non-problem, on climate or whatever else," Barry Rabe, an environmental policy professor at the University of Michigan, told E&E News.

Rabe said he doesn't see many voters who will be convinced to support Trump after hearing an argument like yesterday's. Instead, those who don't like Trump's environmental policies aren't likely to vote for him in the first place.

"I'm not sure that there's a constituency that's not already in his camp that's willing to jump on a bandwagon and say, 'We've accomplished all that we need to accomplish,'" he said.

But Mandy Gunasekara, founder of the pro-Trump group Energy 45 and a former EPA air pollution official, said Trump is working to fix a messaging problem on environmental policy.

"There have been a lot of good-news stories that frankly haven't received the attention that they should," she told E&E News. "Today's event was a culmination of the fact that this is something the president promised, he's delivered in a number of capacities, and I think the feeling is the press has not covered it in the positive way it deserves."

And Gunasekara said she's not worried that Trump's environmental record, or the public perception of it, will hurt him.

"I don't have any concerns, because what we have is a robust record. It's now upon people like myself to communicate it in an effective way," she said.

Oregon Rep. Greg Walden, the top Republican on the House Energy and Commerce Committee, found little if any disagreement with the president.

"The Trump administration has demonstrated that economic growth and environmental protection are not mutually exclusive principles. We can do both," he said. "The truth is, with policies focused on innovation, conservation and preparation coupled with a commitment to protecting American jobs, we can continue this progress."

Democrats pounce

Some of Trump's potential Democratic opponents slammed the speech and said the president is misleading voters.

"Donald Trump cannot hide his terrible record selling our air, water and public lands to fossil fuel corporations behind a political speech," Washington Gov. Jay Inslee, the self-styled climate candidate of the election, said in a statement, calling Trump's claims "lies."

Former Colorado Gov. John Hickenlooper, a moderate on energy issues, called the speech a "non-reality TV show" and highlighted Trump's "devastating rollbacks" as the true results of his record.

"Despite Trump's fabrications, the latest episode in his non-reality TV show, we have seen devastating rollbacks on critical protections to our clean air and water and actions to address climate change," he said.

Senate Minority Leader Chuck Schumer (D-N.Y.) said from the floor, "Amazingly enough, Trump tried to claim credit as a leader on environmental protection, of all things. This is laughable."

Schumer continued, "The same president who pulled us out of the Paris agreement, who has filled his administration with oil and coal cronies, who has slashed protections for clean air and water and protections for public lands, and who has denied basic science, now wants to call himself a leader on the environment? Give me a break."

Environmental groups, which are generally opposed to the president, said 2020 voters won't be "fooled" by Trump's statements.

"President Trump has a political problem, one that he created and certainly didn't solve by today's surreal press event. The Trump administration's record on the environment is beyond dismal, and voters know it," Joe Bonfiglio, president of the Environmental Defense Action Fund, said in a statement.

"Americans won't be fooled for a single second," said Varshini Prakash, executive director of the Sunrise Movement.

"The fact that Trump is making this sorry attempt to shore up his environmental credentials shows that he sees the writing on the wall. Polls are showing that climate change is the issue voters think he's performing worst on, and the movement for the Green New Deal is taking off," Prakash said.

Energywire

Trump's energy talk: Here's what it means

<https://www.eenews.net/energywire/stories/1060714483/search?keyword=EPA>

Kelsey Brugger, E&E News reporter

President Trump attempted to flip the script of critics yesterday, casting himself as an environmental advocate and supporter of renewable energy.

But he also provided more ammunition to opponents who say his record doesn't support those assertions and stirred up debate about whether yesterday's speech was an energy playbook for 2020.

"There is a very good place for solar energy. I'm a believer in solar energy," Trump told reporters at the White House in wide-ranging remarks on the environment. "It has not fully developed, but it has a tremendous future."

Yet in the past 2 ½ years, Trump has slapped tariffs on solar cells and modules and has repeatedly proposed cutting the budget of the Energy Department's solar office. He also has aimed to throw coal and nuclear power financial lifelines.

During the speech, Trump emphasized clean air and water and emissions reductions from natural gas exports, and cast the Green New Deal as a job killer. He only briefly touched on energy and electricity, and at the start of the event failed to announce Energy Secretary Rick Perry, who spoke alongside other Cabinet members.

Perry stressed the Trump administration's commitment to the environment. He said his agency is supporting technologies "literally cascading across this country in ways to use energy more cleanly, more efficiently," and pointed to carbon capture and sequestration and zero-emission nuclear power.

"Too long, there has been this conventional wisdom that you have to choose between economic growth and environmental freedom," Perry said. "That's a false choice."

After Perry's remarks, Trump lauded his work on nuclear power, calling it "absolutely incredible."

The White House event — billed as "America's Environmental Leadership" — appeared to be an attempt at a victory lap. While Trump has repeatedly touted energy independence, yesterday was one of the first times this year he has pulled together several environmental issues and tied them to his energy policies.

Trump's comments are bound to stir up speculation about his energy strategy in 2020. Indeed, before the speech, the president's supporters had predicted Trump would follow a similar campaign strategy in the months ahead.

"I think a lot of [his campaign] is going to focus on the strides that have been made to date and taking the victory lap," said a former Trump campaign official who spoke on the condition of anonymity before the speech. "I don't know how much it's going to be forward-looking."

Trump supporters and observers said they expected him in the next year to paint energy and environment with a broad brush, avoiding details and using bumper-sticker figures. They anticipated that Trump would emphasize that he kept his campaign promises by unwinding what he saw as suffocating Obama-era environmental and climate rules, his supporters said. And they predicted that newly empowered Democrats in the House of Representatives would give him a new punching bag.

"I would imagine he will ridicule the Green New Deal over and over, talk about how Democrats want to take away your cars and shut off your electricity," said Norm Ornstein of the American Enterprise Institute.

Yesterday, Ornstein's prediction played out.

Trump blasted the Green New Deal and the many Democratic climate plans as "radical," declaring that "they would not make the world cleaner."

And he evoked a familiar theme outlined in North Dakota in 2016. Then-candidate Trump contrasted his energy policies with the Democrats' as "wealth versus poverty." He charged that his plans would unlock abundant resources and keep energy costs low, while his opponents' would harm average Americans.

Similarly, Trump said yesterday that the Democratic climate plans "would put Americans out of work."

'Relentless war on American energy'

But how much yesterday's speech will echo Trump on the campaign trail — or signal his energy legacy — remains unclear.

At past green events, Trump has stressed his deregulatory efforts, even if his success has been mixed. Analysts note that many of those efforts have been held up in court or otherwise delayed, including the offshore drilling plan and the methane plan. Separately, EPA Administrator Andrew Wheeler told reporters on a call yesterday that the methane rule would be released next month

At the White House, Trump reiterated criticisms that the Obama administration waged a "relentless war on American energy."

"The U.S. is now an exporter of clean American natural gas," he declared, mimicking remarks he has made many times in recent weeks.

But the energy boom on federal lands began in the Obama era or even earlier. Even so, his supporters say Trump's rhetoric is not out of line

"Presidents get credit and blame for stuff they are not always in control of," Tom Pyle, the head of Trump's energy transition team, said before yesterday's speech.

Pyle, president of the conservative American Energy Alliance, said the biggest difference between now and 2016 will be that Trump has a record to run on.

"He'll point to the fact that he has pretty much reined in an out-of-control EPA and make the case he'll have a lot more to do," he said.

And yet some at think tanks have said Trump has accomplished little on energy, particularly on coal and nuclear power. His botched plan last summer to offer a lifeline to coal and nuclear plants has not gained traction. And his administration's recent release of the Affordable Clean Energy rule — replacing the Obama administration's Clean Power Plan — is not expected to extend the lives of many coal-fired power plants as renewables and natural gas have become cheaper and more pervasive (Energywire, June 18).

"The two things he touts — nuclear and coal — he went zero for 100 on," said Paul Bledsoe, an adviser at the Progressive Policy Institute. "I think smart Democrats should be making the case that he is totally out of touch."

Last year, renewables, natural gas and nuclear energy made up 72% of electric generation. The U.S. Energy Information Administration predicts electricity from coal will continue to drop and will make up just 23% of electricity in 2020. That would be a 4-percentage-point decrease in two years.

"The proof is in the pudding," said Bledsoe, a former Clinton White House aide.

Pyle, however, thought Trump would continue to talk up coal.

"I think coal country is going to recognize his efforts, and I think they are going to be very supportive," he said. "I think they recognize there are other forces in play, and other things are beyond his control."

Trump is planning to visit West Virginia later this month for a fundraiser hosted by coal magnate Bob Murray (Greenwire, July 3).

According to Bledsoe, coal is a "cultural touchstone — not a practical energy issue."

"So he'll invoke these things as much as a matter of culture wars rather than actual energy policy. And so, in that sense, they are immune to the actual facts," he said.

Kenny Stein, an author at the American Energy Alliance, said it is too soon to measure Trump's success on energy. He noted that much of the recent oil and gas production increases date back to leases in the Obama era or even earlier.

"The change is in the right direction, but too soon to know how big an impact there will be," he said.

That's not expected to alter how Trump speaks on the campaign trail in the next year and a half — especially when he's in major energy-producing states, analysts said.

The GOP playbook on the Green New Deal, meanwhile, has been to paint the Democratic Party "in a way that has little or no connection to the facts," said Jeremy Symons, an energy consultant formerly with the Environmental Defense Fund. He dismissed the idea that Democratic infighting on climate policies could benefit Trump.

"For Democrats to self-censor what they want to do on climate change for fear of attack of Trump would miss the point entirely," he said. "Trump is going to make up his own lies about what the Democrat climate plan is, regardless of what's in it."

But Trump supporters say the divide between the president and the Democrats on energy is material and a quintessential pocketbook issue.

"The Democrats have gone crazy," said energy consultant Mike McKenna. "They are now in a bidding war to see who will make energy prices increase the most. The president will take full advantage of that — as he should."

Similarly, Nick Loris of the Heritage Foundation said, "When it comes to oil and natural gas, we're fat and happy, and that equates to a satisfied voter."

Still, Trump's national energy policy approval rating has dropped 6 percentage points since the same week in 2017, according to a Gallup poll released in March. The poll has surveyed Americans every spring for the past 18 years on a range of energy policy questions, including nuclear power, fossil fuels and renewables.

The poll found that the percentage of Americans who think the United States should "emphasize more conservation" of existing energy supplies has steadily increased in the last eight years to 63%. But in the past two years, Americans also increasingly have said the United States "should emphasize production of more oil, gas and gas supplies."

In spite of the fact that the president's poll numbers are dropping, a former Trump campaign official said promoting jobs is always a safe bet. But he added, "How much support does that get you that you don't already have?"

Reuters

Trump touts environment record, green groups scoff

<https://www.reuters.com/article/us-usa-trump-environment/trump-touts-environment-record-green-groups-scoff-idUSKCN1U31RI>

Valerie Volcovici

WASHINGTON (Reuters) - U.S. President Donald Trump boasted about his administration's environmental record on Monday, saying America can lead the world in fighting pollution at the same time it is promoting fossil fuels, in a speech green groups derided as "utter fantasy."

Trump, who has dismantled scores of environmental rules and rejected mainstream climate science since taking office, gave the speech at a time of growing national support here for strong environmental protections. He is widely seen as vulnerable on that issue ahead of next year's presidential elections.

Trump said America was a leader in providing clean drinking water, had slashed air pollution and was cutting carbon emissions, all while bolstering industry and reducing regulation.

"A strong economy is vital to maintaining a healthy environment," he said. "Punishing Americans is never the right way to produce a better environment or a better economy. We have rejected this failed approach and we are seeing great results."

Trump made the speech at the White House alongside Interior Secretary David Bernhardt, Energy Secretary Rick Perry, Council on Environmental Quality chief Mary Neumayr and Environmental Protection Agency Administrator Andrew Wheeler.

Wheeler told reporters ahead of the event that key air pollutants have fallen around 70% since the 1970s, including "under Trump's watch."

U.S. President Donald Trump speaks about his administration's environmental policy in the East Room of the White House in Washington, U.S., July 8, 2019. REUTERS/Carlos Barria

EPA data show huge improvements in air quality in recent decades since the imposition of landmark environmental regulations like the Clean Air Act and Clean Water Act. But they also show some increases since Trump took office, in fine particulate matter emissions like soot and smoke from the combustion of coal and oil.

The United States also slipped in the global environmental rankings to No. 27 in 2018 from 26th during the last year of the Obama administration, according to the Environmental Performance Index epi.envirocenter.yale.edu, a project by Yale and Columbia universities to measure national performance on air, water, forestry and other metrics.

Ken Cook, a spokesman for the Environmental Working Group, called Trump's speech "utter fantasy"

"There has never been a president who has actively pursued an agenda so hostile to the environment and public health at the behest of polluters than Mr. Trump," he said.

"It's absurd for President Trump to claim any environmental credentials when his administration continues to drive a destructive pro-polluter agenda at the expense of the American people," said Jill Tauber, vice president of litigation, climate and energy at Earthjustice, which has filed 120 lawsuits against the administration.

FOSSIL FUEL SUPERPOWER

The United States has become the world's biggest oil and gas producer over the last couple of years, thanks mainly to a technology-led drilling boom.

Trump's administration has sought to pave the way for even more development by reducing regulatory red tape for the fossil fuels industries and expanding leasing on federal lands.

He has also vowed to pull the United States from the Paris Climate Agreement, an international accord to fight global warming through carbon emissions cuts and a transformation of the world economy away from fossil fuels

Trump's speech was scheduled in part to mark the EPA's formal completion of the Affordable Clean Energy (ACE) rule to encourage efficiency from coal-fired power plants.

The ACE rule replaces the Obama administration's Clean Power Plan, a signature climate change measure that would have forced utilities to shut down coal plants

On Monday, the Clean Air Task Force filed suit on behalf of the American Lung Association and American Public Health Association to challenge the ACE.

The Hill

Trump touts environmental policies, but says nothing of climate change

<https://thehill.com/policy/energy-environment/452077-trump-touts-environmental-policies-but-says-nothing-of-climate>

BY MIRANDA GREEN

President Trump touted his environmental successes in a speech from the White House on Monday that focused heavily on his steering of the economy and help for the nation's energy sector, and that didn't include the phrase "climate change" once.

Flanked by Cabinet heads from the Department of Energy, Environmental Protection Agency (EPA) and Interior Department, Trump said he alone had proved that job creation and environmental protection could go hand in hand.

"For years politicians told Americans that a strong economy and vibrant energy sector were incompatible with a healthy environment, that one thing doesn't go with the other," he said.

"And that's wrong.

Much of the speech addressed environmental issues as a footnote to his efforts on energy, but argued that growth in energy and a clean environment could build on one another.

"We're unlocking American energy and the United States is now a net exporter of clean, reliable American gas," Trump said.

In the next breath, he said, "Today the U.S. is ranked number one in the world for access to clean drinking water."

Since entering the White House, Trump has rolled back EPA regulations on methane, replaced an Obama-era rule regulating power plants emissions and suggested weakening vehicle fuel standards. He has also proposed easing a major Obama-era rule protecting waterways.

But pointing to numbers released last Friday that showed the economy gained a better-than-expected 224,000 jobs in June, Trump said his administration's embrace of fossil fuels had unlocked economic growth and ended a "war on energy." And he cast this as an important part of his administration's environmental legacy.

"The previous administration waged a relentless war on energy. We can't do that," Trump said.

Trump's address comes as environmental issues and climate change have risen in importance for Democratic voters heading into the 2020 elections. Polls have shown global warming is now a top voting issue, ranking alongside health care and the economy.

A new Washington Post-ABC News poll found that Americans disapprove of Trump's position on many major issues. The lowest-ranking issue in the poll was climate change, with just 29 percent of respondents saying they approved of Trump's position.

Trump has come under intense criticism from environment groups and Democrats for rolling back Obama-era regulations intended to address climate change, and for saying he would withdraw the United States from the Paris climate accords.

The withdrawal from the Paris deal has also led to new tensions with U.S. allies in Europe. Trump has argued the Paris agreement was a bad deal that unfairly hurt the United States.

Another criticism aimed at Trump is that he has contributed to doubts about climate change by himself questioning the degree to which the planet is warming

The 45-minute speech contained no reference to global warming or plans to reenter the Paris climate agreement or draft a better deal on the issue.

Former EPA employees and environmentalists called the speech a clear case of misdirection.

"The Trump speech was a classic in Soviet-style up-is-down disinformation because the president's words are belied by the relentlessness with which his administration has gone about the task of rolling back scores of the rules that have been the engine driving the environmental progress America enjoyed before Trump took office," said Joe Goffman, a former top official at EPA's Office of Air and Radiation under Obama.

"It is as if the Trump policy is to promote, rather than prevent, air and water pollution, toxic chemical exposure and the despoiling of America's natural resources."

Betsy Southerland, a former director in EPA's Office of Water under Obama, argued Trump has done nothing to maintain any environmental protections that may have occurred under previous administrations.

She also cast his environmental policies as changing at the whim of his political backers. A number of Trump's biggest campaign donors were heads of fossil fuel industries.

"His environmental policy is not based on ideology or based on the economic impacts of rules, it's really just based on whatever his political donors ask him to do," said Southerland.

At the White House, Cabinet members offered their support for Trump

EPA Administrator Andrew Wheeler, a former energy lobbyist, pointed to the decrease in criteria air pollutant emissions since 1970, pollutants that "continue to decline" under Trump's leadership. He said the trend, which started under President Nixon, pointed to how "America is, and will remain, the Gold Standard for environmental protection."

Interior Secretary David Bernhardt, a former energy lobbyist who is under investigation for his supposed continued ties to former clients, said at the speech, "The reality is that America leads the world in recreation and wildlife conservation efforts."

Trump came under fire in 2017 for signing off on reducing the boundaries of two national monuments, Utah's Bears Ears and Grand Staircase Escalante. The Interior Department has also been criticized for looking to increase oil and gas drilling opportunities on public land, as part of Trump's energy independence plan.

Energy Secretary Rick Perry, who during his own presidential campaign suggested the EPA be gutted, boasted of the Trump administration's ability to invest in grants that enable clean water.

"This is a great moment for America," he said. "At DOE we have championed both the historic development of our nation's resources and the technological breakthroughs that are literally cascading across this country in ways to use energy more cleanly, more efficiently than anyone ever thought possible before."

The White House this past year suggested cuts across the board to budgets in all three agencies.